33. (new) The method of claim 29, further comprising determining, as a function of the tracking information, one or more authorized titles.

34. (new) The method of claim 29, further comprising writing a transaction to a database memorializing processing.

R E M A R K S

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested. Claims 1 through 18 have been cancelled. Claims 19 through 34 have been added. Fifteen claims are pending in the application: claims 19 through 34.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that Examiner telephone the undersigned at (858) 587-7644 so that such issues may be resolved as expeditiously as possible.

Marked up Version of Specification/Claims

Beginning on page 13 of this paper is a "Version with Markings to Show Changes Made" that shows the amendments made to the claims.

Objection to the Abstract

       The Examiner has objected to the Abstract as being more than 150 words in length. The Abstract has been amended to meet this requirement.

Objection to the Specification

       The Examiner has objected to the paragraph beginning at page 56, line 10 of the specification. The specification has been amended to correct this minor typing error as requested by the Examiner.

Newly added Claims

       Applicant submits newly added claims 19 through 34. Claims 19 through 34 are novel and non-obvious in view of the prior art, thus should be allowable. Support for the newly added claims can be found variously throughout the figures and the specification and claims as originally filed by Applicant. Therefore, Applicant submits that newly added claims 19 through 34 are in condition for allowance.

Claim Rejections under 35 U.S.C. § 112

       The Examiner has rejected claims 1 through 5, and 11 through 18 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

       The above-mentioned claims have been canceled. Additionally, Applicant has added the claims 19 through 34, which correspond to the rejected claims, however,

have been rewritten to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Therefore, it is respectfully submitted that the present rejection is overcome.

Claim rejection under 35 U.S.C. § 102

The Examiner has rejected claims 1 through 5, and 11 through 18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,822,291 (Brindze et al.). Applicant respectfully traverses this rejection.

Applicant has canceled claims 1 through 5 and 11 through 18 and added new independent claims 19, 24, 26, and 28, which correspond to independent claims 1 and 11.

In order for a cited reference to anticipate the invention a single prior source must contain all its essential elements. Thus, the standard for anticipation is one of strict identity. Gechter v. Davidson, 116 F.3d 1454, 1457, 43 USPQ2d 1030, 1032 (Fed. Cir. 1997)("Under 35 U.S.C. § 102, every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim."); PPG Industries v. Guardian Industries Corp., 75 F.3d 1558, 1566, 37 USPQ2d 1618, 1624 (Fed. Cir. 1996)("To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter.").

Applicants have submitted new independent claims 19,24, 26, and 28, which include limitations that are not taught by Brindze.

The Brindze patent teaches sending a text message from a transaction processing facility to the terminal drive unit in response to a CD being inserted into the terminal drive unit (Column 7, lines 50-55). The only message that is sent from the TPF to the terminal drive unit is the text message.

Applicants claim a server computer determining content to be sent to a client computer as a function of tracking information having been sent to the server. This content is in the form of advertisements, URL's that identify resource locations (on, for example, the internet), channels, and new versions of software, not a simple text message being sent from the server. Therefore, Brindeze does not anticipate sending this type of content.

Specifically, independent claim 19 includes for example, the limitation of "determining, as a function of the tracking information having been transmitted to the server computer, an appropriate advertisement to transmit to the computer utilizing logic in the server computer."

Independent claim 24 includes for example, the limitation of "determining, as a function of the tracking information having been transmitted to the server computer, an appropriate URL to transmit to the computer utilizing logic in the server computer."

Independent claim 26 includes for example, the limitation of "determining, as a function of the tracking information having been transmitted, an appropriate updated software version to transmit to the computer

utilizing logic in the server computer." Brindze does
not disclose updating a version of software.

Independent claim 28 includes for example, the
limitation of "determining, as a function of the tracking
information having been transmitted to the server
computer, an appropriate <u>channel</u> to transmit to the
computer utilizing logic in the server computer."

Thus, for these reasons and others, independent
claims 19, 24, 26, and 28 are not anticipated by Brindze,
as Brindze does not contain all the limitations of these
claims. Furthermore, Applicants believe that such claims
are not suggested by Brindze. Thus, reconsideration and
withdraw of the rejection is respectfully requested.

Claim rejection under 35 U.S.C. § 103

The Examiner has rejected claims 6 through 10
under 35 U.S.C. § 103(a) as being unpatentable over U.S.
Patent No. 5,882,291 (Brindze et al.) in view of U.S.
Patent No. 5,878,020 (Takahashi). Applicant respectfully
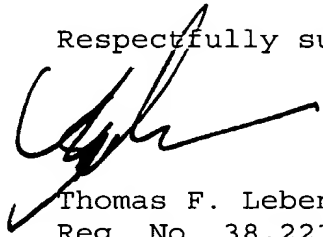traverses this rejection.

The Examiner has stated that Brindze contains
all the limitations of claim 6 except for a burst cut
area and a digital code stored in the burst cut area.
Applicants have cancelled claims 6 through 10 and have
added new claims, which as discussed above are not taught
or suggested by Brindze. Takahashi does not teach or
suggest sending the recited content as a function of
tracking information. Thus the newly added claims are
not taught or suggested by Brindze in view of Takahashi.

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Amendment

Reconsideration and withdraw of the present rejection is thus requested.

Applicant believes newly submitted claims 19 through 34 are in condition for allowance, and prompt and favorable action is earnestly solicited.

Respectfully submitted,

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Dated: September 10, 2001

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<u>**VERSION WITH MARKINGS TO SHOW CHANGES MADE**</u>

IN THE ABSTRACT

A system, method, and article of manufacture is
provided for tracking the distribution of content
electronically. First, an electronic storage medium
tracking identifier is incorporated onto an electronic
storage medium and stored on a database. Next, a package
tracking identifier is situated onto a package in which
the electronic storage medium is stored. The electronic
storage medium is then tracked while being shipped
between various entities using the tracking identifier on
the package. [~~Further, the electronic storage medium may~~
~~be identified using the tracking identifier on the~~
~~electronic storage medium in order to afford various~~
~~advertising, security, support, or retail related~~
~~features. The system includes logic for downloading and~~
~~updating retailer specific information of the DVD~~
~~utilizing BCA information for intelligent processing.~~
~~When a user connects to the Internet with a DVD~~
~~application active, logic detects a live Internet~~
~~connection, reads the BCA information, and initiates a~~
~~connection to the server. Then, the DVD application~~
~~requests all available downloads from the server for the~~
~~retailer of the currently inserted DVD. The server~~
~~performs a table lookup to ascertain the retailer that~~
~~sold the original DVD, and the server performs another~~
~~table lookup to determine the download information.~~, and
~~the server passes the download information to the~~
~~application using HTTP protocal. Finally a transaction~~

is posted to the server database that memorializes the
events.]

IN THE SPECIFICATION

Changes made to the paragraph at page 56, line 10:

Typical software implementation performances
for microcomputers are listed [in the] below herein.
Encryption Rates using some microprocessors Bus width DES
Blocks Processor Speed (MHz) (bits) (per/sec) 8088 4.7 8
37068000 7.6 16 90080286 6.0 16 1,10068020 16.0 32
3,50068030 16.0 32 3,90080280 25.0 16 5,00068030 50.0 32
9,60068040 25.0 32 16,00068040 40.0 32 23,20080486 33.0
32 40,600. Another prior art cryptography system is the
RSA Public Key Crypto system available from the RSA Data
Security in California. RSA is an asymmetric crypto
system in which two different keys are used: a public key
to encrypt the plain text and a private key to decrypt
the cipher text. The hardware implementations of RSA are
usually about 1000 to 10,000 times slower than a hardware
implementation of DES. In software implementations, RSA
is generally about 100 times slower than DES. These
numbers will improve as technology advances, but the
processing speed of RSA will be difficult to approach the
speed of a symmetric crypto system. Consequently, RSA is
generally not viewed as a replacement for DES or any
other fast bulk encryption algorithm. Instead, RSA is
often used for secure key exchange without prior exchange
of secrets. Hence a long message is encrypted with DES.